

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Claude CHERMANN et al.

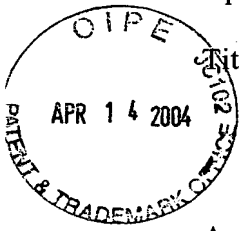
Title: VACCINE AGAINST INFECTIOUS AGENTS HAVING AN
INTRACELLULAR PHASE, COMPOSITION FOR THE
TREATMENT AND PREVENTION OF HIV INFECTIONS,
ANTIBODIES AND METHOD OF DIAGNOSIS

Appl. No.: 09/827,345

Filing Date: April 6, 2001

Examiner: M. G. Hill

Art Unit: 1648



LETTER TO EXAMINER

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Enclosed please find an executed substitute Declaration. The substitute Declaration corrects a typographical error in the priority information of the originally filed Declaration. Specifically, the priority information was changed to reflect the correct U.S. Application No. of 09/599,549 instead of 09/599,546, as originally filed. Appended to this Letter is a copy of the previously submitted Declaration highlighting the error corrected in the substitute Declaration.

It is believed that no fee is needed in connection with this action. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 14, 2004

By Stephen B. Maebius

FOLEY & LARDNER LLP
Customer Number: 23533
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**VACCINE AGAINST INFECTIOUS AGENTS HAVING AN INTRACELLULAR PHASE,
COMPOSITION FOR THE TREATMENT AND PREVENTION OF HIV INFECTIONS, ANTIBODIES
AND METHOD OF DIAGNOSIS**

(Attorney Docket No. 065691-0216)

the specification of which (check one)

 is attached hereto.

 X was filed on April 6, 2001 as United States Application Number 09/827,345 and was amended on 5/14/2003.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any

PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
95/07914	FRANCE	June 30, 1995	Yes	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
	PCT/FR96/01006	06/28/96	
08/973,551		02/19/98	6,113,902
09/599,549		06/23/00	

I HEREBY APPOINT the registered attorneys and agents at Customer Number 23533



23533

PATENT TRADEMARK OFFICE

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Stephen B. Maebius
FOLEY & LARDNER
Customer Number: 23533




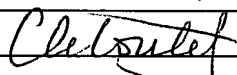
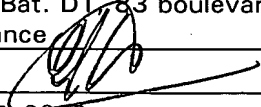
23533

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5569
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Jean-Claude CHERMANN
Residence	Marseille, France
Citizenship	France
Post Office Address	8 Les Ombrees, 1 route de la Tr�ille, 13011 Marseille, France
Inventor's signature	
Date	22 JUILLET 2003
Name of second inventor	Carole LE CONTEL
Residence	Marseille, France
Citizenship	France
Post Office Address	172 La Canebiere, 13001 Marseille, France
Inventor's signature	
Date	22 JUILLET 2003
Name of third inventor	Pascale GALEA
Residence	Marseille, France
Citizenship	France
Post Office Address	La Rouviere, Bat. D1 83 boulevard du Redon, 13009 Marseille, France
Inventor's signature	
Date	22 JUILLET 2003

Docket No. 065691/0216

Receipt is hereby acknowledged of the following:

Applicants: Jean-Claude Chermann et al.

Serial No.: 09/827,345

Filing Date: April 6, 2001

For: VACCINE AGAINST INFECTIOUS AGENTS HAVING AN
INTRACELLULAR PHASE, COMPOSITION FOR THE TREATMENT AND
PREVENTION OF HIV INFECTIONS, ANTIBODIES AND METHOD OF
DIAGNOSIS

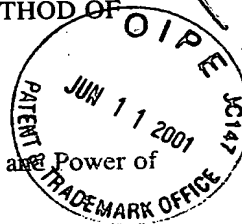
1. Check No. 12562 for \$930
2. Transmittal of Missing Parts of Application including Declaration and Power of Attorney

Date Due: June 30, 2001

Date: JUN 11 2001

Return to: SBM/mkm

Inspected by: *SBM*



As a below named inventor, I HEREBY DECLARE:

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Attorney Docket No. 065691/0216)

_____ is attached hereto.

 X was filed on April 6, 2001 as United States Application Number
or PCT International Application Number
_____ and was amended on
_____ (if applicable).

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

Page 1 of 4

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
95/07914	FRANCE	June 30, 1995	Yes	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
	PCT/FR96/01006	06/28/96	
08/973,551		02/19/98	
09/599,546		06/23/00	

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

STEPHEN A. BENT	Reg. No. 29,768
DAVID A. BLUMENTHAL	Reg. No. 26,257
BETH A. BURROUS	Reg. No. 35,087
ALAN I. CANTOR	Reg. No. 28,163

WILLIAM T. ELLIS	Reg. No. 26,874
JOHN J. FELDHAUS	Reg. No. 28,822
MICHAEL D. KAMINSKI	Reg. No. 32,904
LYLE K. KIMMS	Reg. No. 34,079
KENNETH E. KROSIN	Reg. No. 25,735
JOHNNY A. KUMAR	Reg. No. 34,649
JACK LAHR	Reg. No. 19,621
GLENN LAW	Reg. No. 34,371
PETER G. MACK	Reg. No. 26,001
STEPHEN B. MAEBIUS	Reg. No. 35,264
BRIAN J. MC NAMARA	Reg. No. 32,789
SYBIL MELOY	Reg. No. 22,749
RICHARD C. PEET	Reg. No. 35,792
GEORGE E. QUILLIN	Reg. No. 32,792
ANDREW E. RAWLINS	Reg. No. 34,702
BERNHARD D. SAXE	Reg. No. 28,665
CHARLES F. SCHILL	Reg. No. 27,590
RICHARD L. SCHWAAB	Reg. No. 25,479
MICHELE M. SIMKIN	Reg. No. 34,717
HAROLD C. WEGNER	Reg. No. 25,258

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

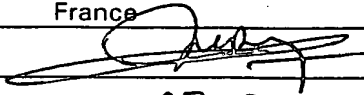
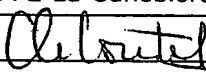
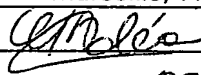
I request that all correspondence be directed to:

Stephen B. Maebius
 FOLEY & LARDNER
 Washington Harbour
 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109

Telephone: (202) 672-5569
 Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Jean-Claude CHERMANN
Residence	Marseille, France
Citizenship	France
Post Office Address	8 Les Ombrees, 1 route de la Treille, 13011 Marseille, France
Inventor's signature	
Date	05.07.01
Name of second inventor	Carole LE CONTEL
Residence	Marseille, France
Citizenship	France
Post Office Address	172 La Canebiere, 13001 Marseille, France
Inventor's signature	
Date	05-07-01
Name of third inventor	Pascale GALEA
Residence	Marseille, France
Citizenship	France
Post Office Address	La Rouviere, Bat. D1, 83 boulevard du Redon, 13009 Marseille, France
Inventor's signature	
Date	05-07-01